

Serial No. 09/741,521

Docket No. 2112-342 US

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REMARKS

The Office Action dated August 29, 2003 has been carefully considered. Claims 1, 4, 5, 14 and 16 have been amended. Claims 1, 2 and 4-18 are in this application.

Previous claims 1, 2, and 4-18 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, claim 1 was rejected because it does not specify if the rail is positively charged or if the rail is negatively charged. Claim 1 has been amended to recite that the rails are formed of a material adapted to provide an attractive charge. Support for this amendment is found throughout the specification, and in particular, on page 4, lines 25-31. Applicants submit that the charge can be an attractive cling charge to provide an attractive force. Claims 4-7 were rejected as being dependent on cancelled claim 3. Claims 4 and 5 were amended to depend from claim 2. Claim 4 was rejected as indefinite because of the term "durometer." Applicants have amended claim 4 to change "durometer" to "hardness" as suggested by the Examiner. Claim 14 was rejected as indefinite as not providing sufficient antecedent basis for "said cavity." Claim 14 has been amended to change "cavity" to "channel" which has antecedent basis in claim 13. Claim 16 was rejected as indefinite due to the term "a bumper of elongated rail base." Claim 16 has been amended to indicate that the end caps are attached to either end of the elongated base rail to provide a bumper of the tracking device with the end caps.

The previously-presented claims 1 and 4-18 were rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 3,199,394 to Castelli. Applicants submit that the teachings of this reference does not teach or suggest the invention defined by the present claims.

Castelli discloses a dispenser for pressure sensitive adhesive tape. The entire dispenser is molded at one time with injection molding. The dispenser can be formed of polyethylene, polypropylene or plasticized polyvinyl chloride. The cutter comprises slide sections and a blade holding section connected by a relatively narrow neck. In severing tape, a tape section is withdrawn from a roll, secured to the cutter by the adhesive on the tape and the cutter is moved across the tape. (Col. 2, lines 17-21).

In contrast to the invention defined by the present claims, Castelli does not teach or suggest rails being formed of a material providing an attractive charge to film received over the

Serial No. 09/741,521

Docket No. 2112-342 US

DRAFT

rails to hold the film before and after cutting of the film. To the contrary, Castelli teaches that a pressure sensitive tape is secured to the cutter with the adhesive of the tape. Moreover, there is no teaching or suggestion in Castelli that an attractive charge is provided to film received over the rails for attraction of the film. Rather, Castelli is related only to pressure sensitive adhesive tapes, which use the adhesive of the pressure sensitive tape for holding the tape to the rail. There is no teaching or suggestion in Castelli to use an attractive force to hold the film to the rail. In contrast, in the present invention, the film is not an adhesive tape, and is held to the rail with an attractive force before and after cutting of the film. The present invention has the advantage that the use of an attractive charge eliminates the need to use an adhesive to hold the film and can be used with any type of plastic film.

With regard to claim 7, Applicants submit that there is no teaching or suggestion in Castelli of the combination of two different materials using co-extrusion for use in a slide cutter. The present invention combines a first material for providing an attractive property and a second material for providing functionality of the rail. There is no teaching or suggestion in Castelli to use co-extrusion to provide a slide cutter providing dual properties for both holding film and strength of the rail.

Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Castelli in view of U.S. Patent No. 4,960,022 to Chuang.

Chuang discloses a plastic film cutter using rollers for engaging and maintaining the film in a tensioned state. The cutter has a concave surface.

In contrast to the invention defined by the present claims, Chuang does not teach or suggest rails being formed of a material providing an attractive charge to film received over the rails to hold the film before and after cutting of the film. Rather, Chuang uses the rollers for engaging and maintaining the film in a tensioned state. Thus, Chuang does not cure the deficiencies of Castelli, as noted above. Accordingly, the invention defined by the present claim 2 is not obvious in view of Castelli in combination with Chuang.

Claim 9 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Castelli in view of U.S. Patent No. 4,202,233 to Larson.

Serial No. 09/741,521

Docket No. 2112-342 US

DRAFT

Larson discloses a saw guide device for a hand powered saw. A guide bar extends across a work piece. The material of the base is constructed of a material different from the guide bar to reduce sliding friction between the guide bar and the base pod.

In contrast to the invention defined by the present claims, Larson does not teach or suggest rails being formed of a material providing an attractive charge to film received over the rails to hold the film before and after cutting of the film. Instead, Larson is directed to a tool guide for a saw guide and is unrelated to a film cutter apparatus. Moreover, there is no teaching of suggestion of a base formed of a material providing an attractive force for holding a film. Accordingly, Larson does not cure the deficiencies of Castelli noted above.

Claim 17 was rejected under 35 U.S.C. § 103(a) as obvious in view of Castelli. Castelli discloses body section 15 includes raised spacers 19, 20 and 21 to support removable spindle 22 and position roles of tape 37 to be cut by cutter 12. In contrast to the invention defined by the present claims, Castelli does not teach or suggest end caps attached to ends of the base rail. Further, Castelli does not disclose or suggest that the end caps would release upon application of excessive force. In addition, in contrast to the invention defined by the present claims as noted above, Castelli does not teach or suggest rails being formed of a material providing an attractive charge to film received over the rails to hold the film before and after cutting of the film. Accordingly, the invention defined by the present claim 17 is not obvious in view of Castelli.

Serial No. 09/741,521

Docket No. 2112-342 US

DRAFT

In view of the foregoing, Applicants submit that all pending claims are in condition for allowance and request that all claims be allowed. The Examiner is invited to contact the undersigned should he believe that this would expedite prosecution of this application. It is believed that no fee is required. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 13-2165.

Respectfully submitted,

Dated: November 14, 2003

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DRAFT

Docket No. 2112-342.1 US

The undersigned certifies that this communication is being deposited with the United States Postal Service as prepaid first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 7, 2003.

Diane Dunn McKay

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	
VEGLIANTE et al.	:	
	:	
Serial No. 09/970,015	:	Group Art Unit: 3724
	:	
Filed: October 3, 2001	:	Examiner: Hamilton, I.
	:	
Title: FILM CUTTER ASSEMBLY	:	x

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

AMENDMENT

In response to the Office Action dated September 29, 2003, please amend the application as follows:

Serial No. 09/970,015

2112-342.1

DRAFT

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in this Application:

Claim Listing:

1. (currently amended) A film cutter apparatus comprising:
an elongated rail base;
at least one rail formed at a top surface of said elongated rail base;
a blade housing for housing a blade, said blade housing bilaterally slidable along said at least one rail; and
a portion of at said least one of said rails-rail being formed of a first material which provides an attractive cling charge to film received over said at least one rail having attractive properties adapted for attracting said film to said at least one rail-rail and clinging said film to said at least one rail before and after cutting of said film.
2. (cancelled).
3. (original) The apparatus of claim 1 where said first material has a grade of shore A.
4. (original) The apparatus of claim 1 wherein said first material is non-porous.
5. (original) The apparatus of claim 1 wherein said first material is smooth.
6. (original) The apparatus of claim 1 wherein said elongated rail base is formed of a second material of rigid vinyl or PVC.
7. (original) The apparatus of claim 6 wherein said first material is coextruded with said second material.
8. (original) The apparatus of claim 1 wherein said first material is formed of a material having a durometer-hardness of greater than about 1.

Serial No. 09/970,015

2112-342.1

DRAFT

9. (currently amended) The apparatus of claim 1 wherein said first material is formed of a material having a ~~durometer~~ hardness in the range ~~about~~ of 2 to ~~about~~ 200.

10. (original) The apparatus of claim 1 wherein said first material is selected from the group consisting of plastic, rubber, vinyl, acrylic, polyvinyl chloride, glass, silicon, metal and combinations thereof.

11. (currently amended) The apparatus of claim 1 wherein a channel is formed in said elongated rail base below a pair of said at least one rail, said blade housing being formed of an upper portion and a lower portion, said upper portion of said blade housing houses said blade, and said lower portion of said blade housing slidably moving in said channel.

12. (original) The apparatus of claim 11 wherein a bottom edge of said upper portion of said blade housing protrudes on either end from said blade and an end surface of said upper portion of said blade housing being rounded and inclined upwardly and from either end of said bottom edge.

13. (original) The apparatus of claim 11 wherein said lower portion is formed of a tracking device for slidably moving in said channel.

14. (original) The apparatus of claim 13 wherein said tracking device is formed of a tubular base and said channel having a corresponding tubular shape.

15. (original) The apparatus of claim 1 wherein said blade housing is formed of a flexible material.

16. (original) The apparatus of claim 15 wherein said blade housing is formed of acetal or silicon.

17. (currently amended) The apparatus of claim 1 further comprising an adhesive layer adhered to said elongated rail base on a surface opposite of said ~~rails~~ at least one rail.

Serial No. 09/970,015

2112-342.1

DRAFT

18. (original) The apparatus of claim 1 wherein a channel is formed in said elongated rail base below a pair of said at least one rail and further comprising a protrusion extending in said channel at either end of said channel.

19. (currently amended) The apparatus of claim 18 wherein said blade housing is formed of an upper portion and a lower portion, said upper portion of said blade housing houses said blade, said lower portion of said blade housing slidably moving in said channel, wherein said lower portion of said blade housing snap fits into said protrusion.

20. (currently amended) A film cutter apparatus comprising:

at least one rail;

a blade housing for housing a blade, said blade housing bilaterally slidable along said ~~rails~~at least one rail; and

a portion of said at least one ~~of said rails~~rail being formed of a first material which provides an attractive cling charge to film received over said at least one rail having attractive properties adapted for attracting said film to said rails at least one rail and clinging said film to said at least one rail before and after cutting of said film.

21. (currently amended) A film cutter apparatus comprising:

at least one rail;

a blade housing for housing a blade, said blade housing bilaterally slidable along said ~~rails~~at least one rail;

a portion of said at least one ~~of said rails~~rail being formed of a first material which provides an attractive cling charge to film received over said at least one rail having attractive properties adapted for attracting film to said rails at least one rail and clinging said film to said at least one rail before and after cutting of said film; and

an adhesive layer adhered to said elongated rail base on a surface opposite of said ~~rails~~at least one rail.

Serial No. 09/970,015

2112-342.1

DRAFT

22. (currently amended) A film cutter apparatus comprising:
an elongated rail base;
a pair of rails formed at a top surface of said elongated rail base;
a blade housing for housing a blade, said blade housing bilaterally slidable along said rails; and

a portion of ~~at least one of~~ said rails being formed of a first material which provides a ~~positive~~ an attractive cling charge to film received over said at least one rail rails for attracting said film to said rails and clinging said film to said rails before and after cutting of said film.

23. (currently amended) A film cutter apparatus comprising:
an elongated rail base;
a pair of rails formed at a top surface of said elongated rail base;
a portion of ~~at least one of~~ said rails being formed of a first material ~~having attractive properties adapted which provides an attractive cling charge to film received over said rails for attracting film to said rails and clinging said film to said rails before and after cutting of said film;~~ and

a blade housing for housing a blade, said blade housing bilaterally slidable along said rails, said blade housing is formed of an upper portion and a lower portion, said upper portion of said blade housing houses said blade, said lower portion of said blade housing slidably moving in said channel, ~~wherein said lower portion of said blade housing snap fits into said protrusion.~~

24. (currently amended) A film cutter apparatus comprising:
an elongated rail base;
at least one rail formed at a top surface of said elongated rail base;
a blade housing for housing a blade, said blade housing bilaterally slidable along said at least one rail; and

Serial No. 09/970,015

2112-342.1

DRAFT

a portion of said at least one ~~of said rails~~ rail being formed of a first material having adhesion cling properties adapted for attracting film to said at least one ~~rails~~ rail and clinging said film to said rail before and after cutting of said film.

25. (original) The apparatus of claim 1 wherein said first material is selected from the group consisting of pressure sensitive adhesive, adhesive, natural rubber, rubber and rubber cement.

26. (currently amended) The apparatus of claim 24 wherein a channel is formed in said elongated rail base below a pair of said at least one rail, said blade housing being formed of an upper portion and a lower portion, said upper portion of said blade housing houses said blade, and said lower portion of said blade housing slidably moving in said channel.

27. (original) The apparatus of claim 26 wherein a bottom edge of said upper portion of said blade housing protrudes on either end from said blade and an end surface of said upper portion of said blade housing being rounded and inclined upwardly and from either end of said bottom edge.

28. (original) The apparatus of claim 26 wherein said lower portion is formed of a tracking device for slidably moving in said channel.

29. (original) The apparatus of claim 28 wherein said tracking device is formed of a tubular base and said channel having a corresponding tubular shape.

30. (original) The apparatus of claim 26 wherein said blade housing is formed of a flexible material.

31. (original) The apparatus of claim 30 wherein said blade housing is formed of acetal or silicon.

32. (currently amended) The apparatus of claim 24 further comprising an adhesive layer adhered to said elongated rail base on a surface opposite of said ~~rails~~ at least one rail.

Serial No. 09/970,015

2112-342.1

DRAFT

33. (original) The apparatus of claim 24 wherein a channel is formed in said elongated rail base below a pair of said at least one rail and further comprising a protrusion extending in said channel at either end of said channel.

34. (currently amended) The apparatus of claim 33 wherein said blade housing is formed of an upper portion and a lower portion, said upper portion of said blade housing houses said blade, said lower portion of said blade housing slidably moving in said channel, wherein said lower portion of said blade housing snap fits into said protrusion.

35. (original) A film cutter apparatus comprising:

at least one rail;

a blade housing for housing a blade, said blade housing bilaterally slidable along said rails; and

a portion of at least one of said rails being formed of a first material having adhesion properties adapted for attracting film to said rails.

36. (currently amended) A film cutter apparatus comprising:

at least one rail;

a blade housing for housing a blade, said blade housing bilaterally slidable along said rails at least one rail;

a portion of said at least one of said rails being formed of a first material having attractive properties adapted for attracting film to said rails at least one rail and clinging said film to said at least one rail before and after cutting of said film; and

an adhesive layer adhered to said elongated rail base on a surface opposite of said rails at least one rail.

37. (currently amended) A film cutter apparatus comprising:

an elongated rail base;

a pair of rails formed at a top surface of said elongated rail base;

Serial No. 09/970,015

2112-342.1

DRAFT

a portion of at least one of said rails being formed of a first material having adhesion cling properties adapted for attracting film to said rails portion and clinging said film to said portion before and after cutting of said film; and

a blade housing for housing a blade, said blade housing bilaterally slidable along said rails, said blade housing is formed of an upper portion and a lower portion, said upper portion of said blade housing houses said blade, said lower portion of said blade housing slidably ~~moving~~ movable in said channel, ~~wherein said lower portion of said blade housing snap fits into said~~ protrusion.

38. (currently amended) A method of forming a film cutter apparatus comprising:
molding an elongated rail base;
molding a pair of rails;

attaching said rails at a top surface of said elongated rail base, wherein a portion of ~~such~~ at least one rail said rails being formed of a material having attractive cling properties for attracting film to said rails and clinging said film to said rails before and after cutting of said film.

39. (currently amended) The method of claim 24-38 wherein said step of molding an elongated rail base and said step of molding a pair of rails are performed simultaneously by coextrusion for attaching said rails to said elongated rail base.

Serial No. 09/970,015

2112-342.1

DRAFT

REMARKS

The Office Action dated September 29, 2003 has been carefully considered. Claims 8 and 9 have been amended. Claims 1 and 3-39 are in this application.

Claims 8 and 9 were rejected as indefinite because of the term "durometer." Applicants have amended claim 4 to change "durometer" to "hardness" as suggested by the Examiner.

The previously presented claims 1, 3, 15, 19, 20, 22-24, 25-30, 32, 35 and 37-39 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,199,394 to Castelli. Applicants submit that the teachings of this reference does not teach or suggest the invention defined by the present claims.

Castelli discloses a dispenser for pressure sensitive adhesive tape. The entire dispenser is molded at one time with injection molding. The dispenser can be formed of polyethylene, polypropylene or plasticized polyvinyl chloride. The cutter comprises slide sections and a blade holding section connected by a relatively narrow neck. In severing tape, a tape section is withdrawn from a roll, secured to the cutter by the adhesive on the tape and the cutter is moved across the tape. (Col. 2, lines 17-21).

In contrast to the invention defined by the present claims, Castelli does not teach or suggest rails being formed of a material providing an attractive cling charge to film received over the rails to hold the film before and after cutting of the film. To the contrary, Castelli teaches that a pressure sensitive tape is secured to the cutter with the adhesive of the tape. Moreover, there is no teaching or suggestion in Castelli that an attractive cling charge is provided to film received over the rails for attraction of the film. Rather, Castelli is related only to pressure sensitive adhesive tapes, which use the adhesive of the pressure sensitive tape for holding the tape to the rail. There is no teaching or suggestion in Castelli to use an attractive cling force to hold the film to the rail. In contrast, in the present invention, the film is not an adhesive tape, and is held to the rail with an attractive cling charge before and after cutting of the film. The present

Serial No. 09/970,015

2112-342.1

DRAFT

invention has the advantage that the use of an attractive cling charge eliminates the need to use an adhesive to hold the film and can be used with any type of plastic film.

Claims 16 and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Castelli in view of U.S. Patent No. 4,202,233 to Larson.

Larson discloses a saw guide device for a hand powered saw. A guide bar extends across a work piece. The material of the base is constructed of a material different from the guide bar to reduce sliding friction between the guide bar and the base pod.

In contrast to the invention defined by the present claims, Larson does not teach or suggest rails being formed of a material providing an attractive cling charge to film received over the rails to hold the film before and after cutting of the film. Instead, Larson is directed to a tool guide for a saw guide and is unrelated to a film cutter apparatus. Moreover, there is no teaching of suggestion of a base formed of a material providing an attractive cling charge for holding a film. Accordingly, Larson does not cure the deficiencies of Castelli noted above.

The previously presented claims 18, 19, 33 and 34 were rejected as obvious in view of Castelli in view of U.S. Patent No. 3,277,760 to Keene et al.

Keene et al. teach an apparatus for severing a web. The lower portion of a shuttle is an elongated cylindrical member which may be tapered at either terminal portion to engage insert 46. Means are used to hold the film adjacent to surface 14. (Col. 2, lines 34-37.)

In contrast to the invention defined by the present claims, Keene et al. do not teach or suggest at least one rail being formed of a material providing an attractive cling charge to the film received over the rail for attracting film to the rail and for clinging the film to the rail during cutting of the film. Rather, Keene et al. use means such as rollers to hold the film down. Accordingly, Keene et al. do not cure the deficiencies of Castelli noted above.

The previously presented claims 17, 21 and 32 were rejected under 35 U.S.C. § 103 as obvious in view of Castelli in view of U.S. Patent No. 3,552,614 to Wilson.

Serial No. 09/970,015

2112-342.1

DRAFT

Wilson discloses a protective shield; the shield can be attached to the front wall in any suitable manner. For example, the shield may be stapled, adhesively fastened directly against the front wall.

In contrast to the invention defined by the present claims, Wilson does not teach or suggest at least one rail being formed of a material providing an attractive cling charge to the film received over the at rail for attracting film to the rail and for clinging the film to the rail during cutting of the film. Accordingly, Wilson does not cure the deficiencies of Castelli noted above.

In view of the foregoing, Applicants submit that all pending claims are in condition for allowance and request that all claims be allowed. The Examiner is invited to contact the undersigned should he believe that this would expedite prosecution of this application. It is believed that no fee is required. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 13-2165.

Respectfully submitted,

Dated: November 7, 2003

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